

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMINA, LLC, as owner of the vessel, *M/V PAMINA* (Official Number 1143720), BRIAN PICKERING and LAURIE PICKERING, as sole members of PAMINA, LLC, and MARKEL AMERICAN INSURANCE COMPANY, as subrogee of Pamina, LLC, Brian Pickering and Laurie Pickering,

Third-Party Plaintiffs,

v.

DELTA MARINE INDUSTRIES, INC., N C POWER SYSTEMS CO., GLENDINNING PRODUCTS LLC, and DOCKMATE, INC.,

Third-Party Defendants,

IN RE: COMPLAINT AND PETITION OF PAMINA, LLC, as owner of the vessel, PAMINA, FOR EXONERATION FROM OR LIMITATION OF LIABILITY

IN ADMIRALTY

No. 2:22-cv-01679-KKE

**JOINT STIPULATED MOTION
FOR TRIAL CONTINUANCE AND
ORDER**

**HEARING DATE:
October 31, 2023**

I. RELIEF REQUESTED

The parties to this action hereby jointly move the Court, pursuant to Fed. R. Civ. P. 6(b)(1), to extend the discovery deadline and deadline for submitting expert reports by ninety (90) days, for good cause shown, as hereinafter set forth.

JOINT STIPULATED MOTION FOR TRIAL
CONTINUANCE AND ORDER - 1

NO. 2:22-CV-01679-KKE

FLOYD, PFLUEGER & RINGER P.S.
3101 WESTERN AVENUE, SUITE 400
SEATTLE, WA 98121
TEL 206 441-4455
FAX 206 441-8484

II. STATEMENT OF THE FACTS

This is a case of admiralty and maritime jurisdiction brought under 28 U.S.C. §1333 and filed pursuant to Rule 9(h) of the Federal Rules of Civil Procedure and Rule F, Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. The case arises from a maritime accident involving the Vessel, *Pamina*. On May 28, 2022, the Vessel, while transiting through the Ballard Locks in Seattle, Washington, allegedly and without warning, started to move in reverse while the engine control levers were in neutral causing collisions with multiple other vessels and causing damages to these vessels as well as to the *Pamina*.

On November 22, 2022, *Pamina*, and its owners and insurer, initiated this action by filing a Complaint for Exoneration from Limitation of Liability (“LOLA” action). On January 19, 2022, this Court, pursuant to Supplemental Admiralty Rule F (3), ordered all other actions arising from this maritime accident stayed until the termination of the LOLA action and further ordered that any claimant wishing to assert a claim in the LOLA action must do so by March 1, 2023.

On March 1, 2023, *Pamina* and its owners, Brian and Laurie Pickering, and its insurer, Markel American Insurance Company (*Plaintiffs-In-Limitation*), filed a Third-Party Complaint (and First Amended Complaint on July 6, 2023) against Third Party Defendants, DELTA MARINE INDUSTRIES, INC, N C POWER SYSTEMS CO., GLENDINNING PRODUCTS LLC, and DOCKMATE, INC., alleging that the damages related to this maritime accident arose due to these parties’ negligent inspections, installation, supervision, or maintenance of the Vessel’s engine systems. Alternatively, it is alleged that GLENDINNING PRODUCTS LLC and/or DOCKMATE, INC. defectively designed and/or defectively manufactured the electronic

and/or wireless engine control systems or component parts thereof. In addition to numerous affirmative claims filed by the parties, cross claims have been filed in this action by Third-Party Defendants against one another.

In addition to *Plaintiffs-In-Limitation*, five (5) other interested parties have filed claims. Also, as noted, there are four (4) parties against whom claims of negligence and defective design and manufacturing have been brought and these parties have asserted cross claims against one another. Resolution of the case will require extensive written discovery. In addition, the parties have engaged experts. Also, it is anticipated that the depositions of all interested parties and of their experts will be required to resolve this claim.

The parties' counsel have conferred and agree that additional time is required to complete discovery than currently allowed under the Court's ORDER SETTING TRIAL DATES entered on May 17, 2023. Pursuant to the Court's current case scheduling order, the parties' expert reports are due on December 4, 2023, and the discovery deadline is January 3, 2024. Notwithstanding best efforts and progress towards the completion of discovery, given the number of party claimants, Third-Party Defendants, and experts engaged by these parties in the case, it will require approximately an additional ninety (90) days to produce expert reports and complete discovery. Below is a proposed timeline:

<i>Activity</i>	<i>Current Date</i>	<i>Proposed Date</i>
BENCH TRIAL DATE	July 1, 2024	October 7, 2024
Reports from experts	December 4, 2024	March 4, 2024
Discovery Completed by	January 3, 2024	June 14, 2024
Dispositive motions filed by	February 4, 2024	July 12, 2024
Motions in limine filed by	May 28, 2024	August 28, 2024

Joint pretrial statement	June 3, 2024	September 3, 2024
Pretrial conference	June 18, 2024	September 18, 2024
Length of bench trial	7-10 days	7-10 days

III. LAW AND ARGUMENT

Federal Rule of Civil Procedure 6(b)(6) authorizes a district court to grant timely motions to extend time for “good cause.” Fed. R. Civ. P. 6(b)(1) (upon a showing of good cause, a court may extend a deadline to act “if a request is made before the original time or its extension expires ...”). *See also Lujan v. Nat’l Wildlife*, Fed. 497 U.S. 871, 896 (1990) (cause must be shown before enlargement of time is granted). “Good cause” is a “non-rigorous standard,” but still requires the requesting party to provide a reasonable explanation as to why, despite the party’s diligence, the set deadline cannot be met. *United States v. Navarro*, 800 F.3d 1104, 1109 (9th Cir. 2015). The plain language of the rule demonstrates that the good cause standard in the rule is at a court’s discretion. (“the court *may*, for good cause, extend the time”) (emphasis added); *Manzano v. California Dept. of Motor Vehicles*, 467 Fed. Appx. 683, 685 (9th Cir. 2012) (recognizing abuse of discretion standard as to FRCP 6(b)).

The parties’ joint motion to extend the deadlines in this case is brought before the Court now, well prior to the existing deadlines. Also, the parties submit that their request meets the requirement that a showing of good cause must be made for this Court to grant this Motion. The ‘good cause’ shown are the facts set forth above concerning the number of party claimants, Third-Party Plaintiffs and Third-Party Defendants. These parties have filed affirmative claims, third-party claims, and cross claims. Moreover, it is anticipated that these numerous parties will retain experts to assist the parties in determining the cause and responsibility for the maritime accident the subject of this case.

IV. CONCLUSION

For good cause shown, the parties respectfully request that the Court grant their Motion, pursuant to Fed. R. Civ. P. 6(b)(1)(A), to extend the deadline for submitting expert reports by ninety (90) days, to March 6, 2024, and that the discovery deadline be extended to March 24, 2024, and that all other case dates, including the trial date, be continued by ninety (90) days to dates convenient to the Court.

Dated this 27th day of October, 2023

Dated this 30th day of October, 2023

Counsel for Glendinnings Products

Counsel for Plaintiff

s/William J. Dow

s/Otis Felder

Francis S. Floyd, WSBA #10642

B. Otis Felder, WSBA #24057

William J. Dow, WSBA #51155

Conor F. McCauley, WSBA #58436

Drew A. Carson, WSBA #48929

Wilson Elser Mostkowitz Edelman & Dicker

Floyd Pflueger & Ringer

1700 – 7th Avenue, Ste. 2100

3101 Western Avenue, Ste. 400

Seattle, WA 98101

Seattle, WA 98121

(206) 709-5900

(206) 441-4455

Otis.Felder@wilsonelser.com

ffloyd@floyd-ringer.com

Fabiola.sanchez@wilsonelser.com

erin@floyd-ringer.com

Otis.felder@yahoo.com

wdow@floyd-ringer.com

Conor.mccauley@wilsonelser.com

dcarson@floyd-ringer.com

tbolte@floyd-ringer.com

Dated this 25th day of October, 2023

Dated this 25th day of October, 2023

Counsel for Markel American Insurance

Counsel for Lake Washington Yacht Charters

s/Jonathan Thames

s/ Wayne Mitchell

Jonathan W. Thames, WSBA #31060

Wayne Mitchell, WSBA #24347

Kennedys CMK, LLP

Anderson & Mitchell, PLLC

455 Market St, Ste 1900

1239 120th Ave NE, Ste. A

San Francisco, CA 94105

Bellevue, WA 98005

(415) 323-4460

206-229-7296

jonathan.thames@kennedyslaw.com

wayne@andersonmitchell.com

alice.probst@kennedyslaw.com

brad.pace@kennedyslaw.com

helen.davis@kennedyslaw.com

juli.carter@kennedyslaw.com

SFKennedysDocket@kennedyslaw.com

Dated this 23rd day of October, 2023

Co- Counsel for Lake Washington Yacht Charters

s/Paul T. Landis

Paul Landis, WSBA #
Bauman Loewe Witt & Maxwell, PLLC
8765 E Bell Rd., Ste. 210
Scottsdale, AZ 85260-1321
(480) 502-4664
plandis@blwmlawfirm.com
malderson@blwmlawfirm.com
tdinardo@blwmlawfirm.com

Dated this 24th day of October, 2023

Counsel for Atlantic Specialty Ins. Co.

s/Joseph Tabrisky

Joseph P. Tabrisky,
Law Offices of Richard E. Bishop
222 S Harbor Blvd, Ste. 900
Anaheim, CA 92805
(781) 332-7188
jtabrisky@intactinsurance.com
jsteinebrenner@intactinsurance.com
valejo@intactinsurance.com
socalsc@intactinsurance.com

Dated this 26th day of October, 2023

Co-Counsel for Atlantic Specialty Ins. Co.

s/Dustin Hamilton

Dustin Hamilton, WSBA #
Legros Buchanan & Paul
4025 Delridge Way SW, Suite 500
Seattle, WA 98106
206-623-4990
dhamilton@legros.com
jporter@legros.com
sbaskins@legros.com

Dated this 26th day of October, 2023

Counsel for Delta Marine Industries

s/Thomas G. Waller

Thomas G. Waller, WSBA #22963
Kellin Tompkins, WSBA #60514
Bauer Moynihan & Johnson, LLP
2101 Fourth Avenue, Suite 2400
Seattle, WA 98121
(206) 905-3232
tgwaller@bmjlaw.com
ktompkins@bmjlaw.com
kchan@bmjlaw.com

//

//

//

//

//

//

Dated this 30th day of October, 2023

Counsel for N C. Power Systems Co.

s/Todd Rosencrans

Todd W. Rosencrans, WSBA #26551

Monique Wirrick, WSBA #

Perkins Coie, LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

(206) 359-8000

trosencrans@perkinscoie.com

mwirrick@perkinscoie.com

MLewis@perkinscoie.com

Sbilger@perkinscoie.com

docketseapl@perkinscoie.com

Dated this 30th day of October, 2023

Counsel for Dockmate, Inc.

s/Nicholas Larson

Nicholas Larson, WSBA #46034

Murphy Pearson Bradley & Feeney

1455 NW Leary Way, Ste. 400

Seattle, WA 98107

(206) 219-2008

nlarson@mpbf.com

Dated this 30th day of October, 2023

*Counsel for Federal Insurance Company,
Geico Marine Insurance Company and
Nicholas Leede*

s/Chih Yu

Chih Yu (Joseph) Ou, CA Bar#294090

Tyler John Kirsch, CA Bar#332666

Gibson Robb & Lindh

1255 Powell Street

Emeryville, CA 94680

(415) 348-6000

jou@gibsonrobb.com

tkirsch@gibsonrobb.com

efiling@gibsonrobb.com

Dated this 30th day of October, 2023

*Co - Counsel for Federal Insurance
Company, Geico Marine Insurance Company
and Nicholas Leede*

s/Vi Jean Reno

Vi Jean Reno, WSBA # 9385

Reno Law Seattle

1420 Fifth Ave, Suite 3000

Seattle, WA 98101

(206)622-4100

vjreno@renolawsea.com

renolawsea@yahoo.com

ORDER

The Court GRANTS the parties' stipulated motion. Dkt. No. 99. The parties are now required to follow the following case schedule to prepare this matter for trial:

<i>Activity</i>	<i>Current Date</i>	<i>Proposed Date</i>
BENCH TRIAL DATE	July 1, 2024	October 7, 2024
Reports from experts	December 4, 2024	March 4, 2024
Discovery Completed by	January 3, 2024	June 14, 2024
Dispositive motions filed by	February 4, 2024	July 12, 2024
Motions in limine filed by	May 28, 2024	August 28, 2024
Joint pretrial statement	June 3, 2024	September 3, 2024
Pretrial conference	June 18, 2024	September 27, 2024
Length of bench trial	7-10 days	7-10 days

DATED: October 31, 2023



Kymberly K. Evanson
United States District Judge